

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
for Adoption of its 2004 Energy Resource
Recovery Account (ERRA) Forecast Revenue
Requirement, for Review of Contract
Administration, Least Cost Dispatch and
Procurement Activities during the Record Period
January 1, 2003, through May 31, 2003, and for
Approval of its 2004 Ongoing Competition
Transition Charges (CTC) Revenue Requirement
and Proposed Rate Design. (U 39 E)

Application 03-08-004
(Filed August 1, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING REGARDING THE EVIDENTIARY
HEARINGS FOR THE SEVEN-MONTH 2003 RECORD PERIOD**

In the June 18, 2004 ruling in this proceeding, the schedule for reviewing Pacific Gas and Electric Company's (PG&E) contract administration, least cost dispatch, and procurement activities for the last seven months of 2003 (June 1, 2003 through December 31, 2003) was established. Evidentiary hearings were scheduled to begin on October 25, 2004. The schedule also called for the parties to notify the undersigned by October 12, 2004 if the evidentiary hearings should proceed.

PG&E and the Office of Ratepayer Advocates (ORA) submitted and served their testimony in accordance with the schedule.

On October 8, 2004, PG&E's counsel requested that the October 12, 2004 notification date be extended until October 19, 2004. The undersigned granted the request in an electronic message dated October 8, 2004.

In an electronic message dated October 18, 2004 to the undersigned from PG&E's counsel, which was served on the service list, PG&E stated that PG&E and ORA had "resolved the outstanding process issues between them, and there is no need for hearings." PG&E also stated that it had agreed to provide certain information in future Energy Resource Recovery Account applications and to maintain certain other information. PG&E's message also stated that "With these agreements, there are no outstanding issues in this proceeding, and the June 1 – December 31, 2003 record period can be closed.

PG&E and ORA are the only two parties who expressed an interest in the seven-month review period. Since PG&E and ORA have resolved the type of information that PG&E should provide or keep a record of, the evidentiary hearings scheduled for October 25 through October 27, 2004 are no longer needed and will be removed from the Commission's hearing calendar.

In addition, the prepared testimony that PG&E and ORA submitted in connection with the seven-month review period shall be marked and admitted into evidence as follows:

Description of Testimony	Exhibit Number
PG&E's July 1, 2004 Redacted Prepared Testimony Regarding "Review Contract Administration, Dispatch of Generation Resources, and Procurement Activities for the Period June 1, 2003 Through December 31, 2003."	106
PG&E's July 1, 2004 Unredacted Prepared Testimony Regarding "Review Contract Administration, Dispatch of Generation Resources, and Procurement Activities for the Period June 1, 2003 Through December 31, 2003."	107
ORA's September 10, 2004 Redacted "Report On Reasonableness Review of Pacific Gas and Electric Company's Energy Resource Recovery Account (ERRA) Application 03-08-004"	108

Description of Testimony	Exhibit Number
ORA's September 10, 2004 Unredacted "Report On Reasonableness Review of Pacific Gas and Electric Company's Energy Resource Recovery Account (ERRA) Application 03-08-004"	109
PG&E's October 1, 2004 Rebuttal Testimony Regarding "Review Contract Administration, Dispatch of Generation Resources, and Procurement Activities for the Period June 1, 2003 Through December 31, 2003."	110
PG&E's October 1, 2004 "Review Contract Administration, Dispatch of Generation Resources, and Procurement Activities for the Period June 1, 2003 Through December 31, 2003 Appendix 5-1" submitted pursuant to the February 19, 2004 protective order and Public Utilities Code §583.	111

Since Exhibits 107, 109 and 111 contain confidential business information, those three exhibit shall be admitted into evidence under seal.

The issues regarding the seven-month record period shall be submitted as of today's date.

Therefore, **IT IS RULED** that:

1. The evidentiary hearings into the seven-month review period that were scheduled for October 25, 2004 through October 27, 2004 are taken off calendar.
2. The testimony described in this ruling shall be admitted into evidence with their respective exhibit numbers, and Exhibits 107, 109 and 111 shall be placed under seal.
3. The issues regarding the seven-month record period are submitted as of today's date.

Dated October 20, 2004 at San Francisco, California.

/s/ JOHN S. WONG

John S. Wong

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding the Evidentiary Hearings for the Seven-Month 2003 Record Period on all parties of record in this proceeding or their attorneys of record.

Dated October 20, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

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(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.